

EXHIBIT 18

From: Catherine Kaufman <kaufman@michigantownshiplaw.com>
Sent: Thursday, March 2, 2023 3:20 PM
To: Infante, Joseph M. <infante@millercanfield.com>
Subject: FW: Initial review comments - soil friends special exception use/site plan submission

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Hello: See below – for your information.

Catherine P. Kaufman
Bauckham, Thall, Seeber, Kaufman & Koches PC
470 W. Centre Ave. Suite A
Portage MI 49024
269-382-4500 x 103



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From: Jodi Stefforia <jstefforia@comstockmi.gov>
Sent: Thursday, March 02, 2023 1:32 PM
To: Ben Martin <sales@soilfriends.com>
Cc: Catherine Kaufman <kaufman@michigantownshiplaw.com>; Scott Hess <superintendent@comstockmi.gov>; Jodi Stefforia <jstefforia@comstockmi.gov>
Subject: Initial review comments - soil friends special exception use/site plan submission

Ben,

As a courtesy, we have taken a look at the plan and related documents you submitted for the special exception use and site plan approval request for a winery in the red barn at 1701 North 33rd Street. The Fire Marshal's comments are attached. We have highlighted missing and required information on the attached checklist and added comments by way of explanation for your review and use. Please revise the site plan to include the required information as reflected on the attached checklist.

In order to schedule the special exception use and site plan review request for the April 9 Planning Commission meeting, please submit 10 full-size copies and an electronic copy of the revised plan by March 21 so that statutorily required public notification can be made. The deadline to submit for the April 27 meeting is April 4.

Jodi Stefforia
Comstock Township Community Development Director
269-381-2360



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CHARTER TOWNSHIP OF COMSTOCK

MATT BEAUCHAMP
Fire Chief

Department of Fire & Rescue

8700 E. Michigan Avenue • P.O. Box 8
Comstock, Michigan 49041

Phone: (269) 345-9244 • Fax: (269) 345-8356

MIKE DYER
Deputy Chief

KEVIN THOMPSON
Assistant Chief

MICHAEL KESSLER
Fire Marshal

To: Jodi Stefforia, Planning & Zoning Administration
FROM: Michael Kessler, Fire Marshal
DATE: March 1, 2023
RE: Project Number 2211

The Fire Marshal's office has reviewed the site plan for Soil Friends Hard Cider Company 1701 N 33RD Street, Comstock Township for compliance with NFPA Fire Code 2018.

Based upon the documentation provided, the Fire Marshal office has the following recommendation:

Approved
☒ Approved with Requirements (See below)
Not approved

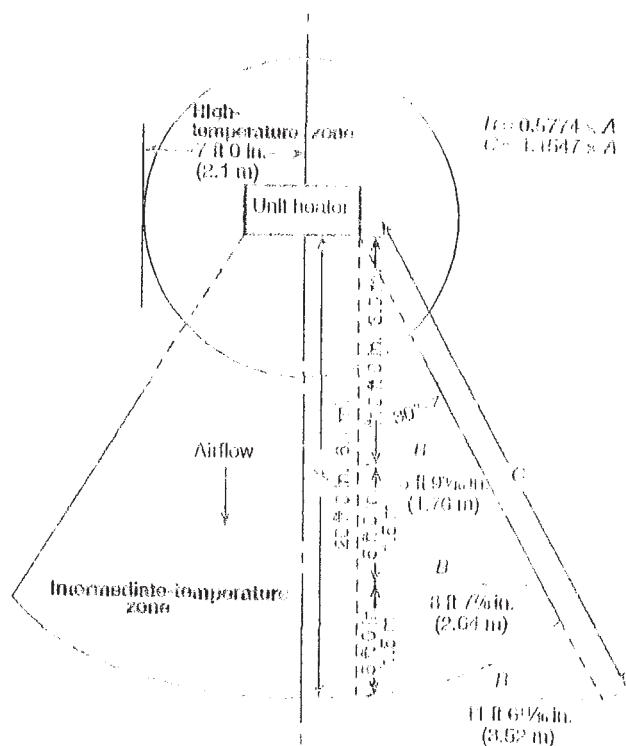
Requirements:

- 1 If the occupant load is greater than 99 the building must have an automatics sprinkler system
- 2 FDC must be within 100 ft of a fire hydrant
- 3 The Fire Department Connections (FDC) shall have a 5" storz at 30-degree angle
- 4 The FDC shall be remotely located away from the building, unless not practical. The location of the fire department connection shall be approved by the AHJ
- 5 Fire department access road shall have an unobstructed width of not less 25 ft

Michael Kessler



Fire Marshal



Δ FIGURE 13.3.1.9 High-Temperature and Intermediate-Temperature Zones at Unit Heaters. [13:Figure 8.3.2.5]

13.3.2.7 New Assembly Occupancies.

13.3.2.7.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 13.3.1.2:

- (1) Dance halls
 - (2) Discoteques
 - (3) Nightclubs
 - (4) Assembly occupancies with festival seating
- [**theta**:12,3,5,1]

Δ 13.3.2.7.2 Any building containing one or more assembly occupancies where the aggregate occupant load of the assembly occupancies exceeds 300 shall be protected by an approved, supervised automatic sprinkler system in accordance with NFPA 13 as follows (*see also 12.1.6, 12.2.6, 12.3.2, and 12.3.6 of NFPA 101*):

- (1) Throughout the story containing the assembly occupancy
- (2) Throughout all stories below the story containing the assembly occupancy
- (3) In the case of an assembly occupancy located below the level of exit discharge, throughout all stories intervening between that story and the level of exit discharge, including the level of exit discharge

[10]: 12.5, 5.2]

Δ 13.3.2.7.3 The requirements of 13.3.2.7.2 shall not apply to the following:

- (1)* Assembly occupancies consisting of a single multipurpose room of less than 12,000 ft² (1115 m²) that are not used for exhibition or display and are not part of a mixed occupancy.

- (2) Gymnasiums, skating rinks, and swimming pools used exclusively for participant sports with no audience facilities for more than 300 persons.

(3)[†] Locations in stadia and arenas as follows:

- (a) Over the floor areas used for contest, performance, or entertainment, provided that the roof construction is more than 50 ft (15 m) above the floor level, and use is restricted to low fire hazard uses
- (b) Over the seating areas, provided that use is restricted to low fire hazard use
- (c) Over open-air concourses where an approved engineering analysis substantiates the ineffectiveness of the sprinkler protection due to building height and combustible loading

(4) Locations in unenclosed stadia and arenas as follows:

- (a) Pallet boxes of less than 1000 ft² (93 m²)
- (b) Storage facilities of less than 1000 ft² (93 m²) if enclosed with not less than 1-hour fire resistance-rated construction
- (c) Enclosed areas underneath grainstands that comply with 25.5.4

[104:12,3,5,9]

93.3.2.4 Where another provision of Chapter 12 of NFPA 101 requires an automatic sprinkler system, the sprinkler system shall be installed in accordance with NFPA 13, [101.12.3.5.4]

13.3.2.7.b Fire Protection. Every stage shall be protected by an approved, supervised automatic sprinkler system in compliance with Section 13.3. [**10E12, 1.6, 10**]

§ 3.2.7.5.1 Protection shall be provided throughout the stage and in storerooms, workshops, permanent dressing rooms, and other accessory spaces contiguous to stages. [44 § 2.4.6.10.1]

15.3.2.7.5.2 Sprinklers shall not be required for stages 1000 ft² (93 m²) or less in area and 50 ft (15 m) or less in height where the following criteria are met:

- (1) Curtains, scenery, or other combustible hangings are not retractable vertically.
- (2) Combustible hangings are limited to borders, legs, a single main curtain, and a single backdrop.

13.3.2.7.5.3 Sprinklers shall not be required under stage areas less than 18 in. (457 mm) in clear height that are used exclusively for chair or table storage and lined on the inside with $\frac{1}{2}$ in. (16 mm) Type X gypsum wallboard or the approved equivalent. [106:12, E5, 10.3]

13.3.2.8 Existing Assembly Capacities.

4.13.3.9.1 Where the occupant load exceeds 100, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with NFPA 13:

- (1) Dance halls
 - (2) Discotheques
 - (3) Nightclubs
 - (4) Assembly occupancies with festival seating
- $\{\theta_i, i=3,4,5,6\}$

FIRE PROTECTION SYSTEMS

boxes and other accessory use areas in excess of 1,000 square feet (93 m²).

[R] **903.2.1.6 Assembly occupancies on roofs.** Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Exception: Open parking garages of Type I or Type II construction.

903.2.1.7 Multiple fire areas. An automatic sprinkler system shall be provided where multiple fire areas of Group A-1, A-2, A-3 or A-4 occupancies share exit or exit access components and the combined occupant load of these fire areas is 300 or more.

[R] **903.2.2 Ambulatory care facilities.** An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest level of exit discharge, including the level of exit discharge.

[R] **903.2.3 Group B.** An automatic sprinkler system shall be provided for Group B occupancies as follows:

1. Throughout all Group B fire areas greater than 12,000 square feet (1115 m²) in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has not fewer than one exterior exit door at ground level.

[R] **903.2.4 Group F-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 12,000 square feet (1115 m²).
2. A Group F-1 fire area is located more than three stories above grade plane.

the fire area containing the Group A-1, A-2, A-3 or A-4 occupancy is located, and throughout all stories above the Group A occupancy to, and including, the level of exit discharge serving the Group A occupancy. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

[R] **903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multitheater complex.

[R] **903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided for fire areas containing Group A-2 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

[R] **903.2.1.3 Group A-3.** An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

[R] **903.2.1.4 Group A-4.** An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

[R] **903.2.1.5 Group A-5.** An automatic sprinkler system shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press

CHAPTER 3

USE AND OCCUPANCY CLASSIFICATION

Large proposals to sections preceded by the designation [E] will be considered by the International Building Code Committee during the 2016 (Group B) Code Development Cycle. See explanation on page iv.

SECTION 301
GENERAL

Revisions of this chapter shall control the buildings and structures as to use and

SECTION 302
CLASSIFICATION

Buildings or portions of structures shall be classified as to occupancy in one or more of the following sections. A room or space that is intended for different uses at different times for different purposes shall be classified according to the requirements that are applicable to the occupancy for which the room or space will be used. Buildings with multiple occupancies or uses shall be classified according to Section 303. Where a structure is proposed for a use not specifically provided for in this code, such structure shall be classified in the group that the occupancy code requires, according to the fire safety and relationship to the building.

Assembly (see Section 303): Groups A-1, A-2, A-3,

Business (see Section 304): Group B,

Education (see Section 305): Group E,

Factory and Industrial (see Section 306): Groups F-1

and F-2, and (see Section 307): Groups H-1, H-2, H-3, and H-4,

Health Care (see Section 308): Groups I-1, I-2, I-3, and I-4,

Hotel (see Section 309): Group M,

Warehouse (see Section 310): Groups R-1, R-2, R-3

and S (see Section 311): Groups S-1 and S-2,

and Miscellaneous (see Section 312): Group U.

SECTION 303
ASSEMBLY GROUP A

Assembly Group A. Assembly Group A occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as religious or religious functions; recreation, food or drink consumption or awaiting transportation.

303.1.1 Small buildings and tenant spaces. A building or tenant space used for assembly purposes with an *occupant load* of less than 50 persons shall be classified as a Group B occupancy.

303.1.2 Small assembly spaces. The following rooms and spaces shall not be classified as Assembly occupancies:

1. A room or space used for assembly purposes with an *occupant load* of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.
2. A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy.

303.1.4 Accessory to places of religious worship. Accessory religious, educational rooms and religious auditoriums with *occupant loads* of less than 100 per room or space are not considered separate occupancies.

303.2 Assembly Group A-1. Group A-1 occupancy includes assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures including, but not limited to:

- Motion picture theaters
- Symphony and concert halls
- Television and radio studios admitting an audience
- Theaters

303.3 Assembly Group A-2. Group A-2 occupancy includes assembly uses intended for food and/or drink consumption including, but not limited to:

- Banquet halls
- Casinos (gaming areas)
- Nightclubs
- Restaurants, cafeterias and similar dining facilities (including associated commercial kitchens)
- Taverns and bars

303.4 Assembly Group A-3. Group A-3 occupancy includes assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:

- Amusement arcades
- Art galleries
- Bowling alleys
- Community halls